

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

MARCUS TERRELL FLEMING,
Plaintiff,
v.
THOMAS MOORE, M.D.,
Defendant.

) Case No.: 1:24-cv-0083 JLT EPG (PC)
)
) ORDER ADOPTING IN FULL THE FINDINGS
) AND RECOMMENDATIONS TO DISMISS THIS
) ACTION WITHOUT PREJUDICE FOR FAILURE
) TO PAY THE FILING FEE AND DIRECTING
) THE CLERK OF COURT TO CLOSE THE CASE
)
) (Doc. 6)
)
)

Marcus Terrell Fleming asserts he received inadequate medical care at FCI Mendota and seeks to hold the defendants liable for violations of his civil rights. (Doc. 1.) Plaintiff failed to pay the filing fee or apply to proceed *in forma pauperis* when he filed the complaint. The Court ordered him to take either action within 30 days. (Doc. 4.) The Court also warned Plaintiff that “[f]ailure to comply with this order will result in dismissal of this action.” (*Id.* at 2, emphasis omitted.)

After Plaintiff failed to take any action, the magistrate judge recommended the matter be dismissed without prejudice. (Doc. 6.) The Court served the Findings and Recommendations on Plaintiff at the only address on record. However, the Postal Service returned the Findings and Recommendations as “Undeliverable, Return to Sender, No Longer at this Address” on March 25, 2024.¹ To date, Plaintiff has not paid the filing fee in this action.

¹ Pursuant to Local Rule 183(b), a Notice of Change of Address was due within 63 days, or no later than May 27, 2024.

1 Pursuant to 28 U.S.C. § 636(b)(1), this Court performed a *de novo* review of this case. Having
2 carefully reviewed the matter, the Court concludes the Findings and Recommendations are supported
3 by the record and proper analysis. Accordingly, the Court **ORDERS**:

4 1. The Findings and Recommendations issued on April 29, 2024 (Doc. 8) are **ADOPTED**
5 in full.
6 2. This case is **DISMISSED** without prejudice for failure to pay the filing fee.
7 3. The Clerk of Court is directed to close this case.

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9 IT IS SO ORDERED.

10 Dated: June 4, 2024


11 UNITED STATES DISTRICT JUDGE

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